

COMMONWEALTH OF MASSACHUSETTS

State Building Code (780 CMR) Appeals Board

Board's Ruling on Appeal¹

Docket No. 08-671

Appellant(s): Fred Richards **vz.** **Appellee(s):** City/Town of Ipswich
Colleen Fermon

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR relative to the provisions of 105 CMR 410.480, for 2 Mount Pleasant Avenue, Ipswich, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on December 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Colleen Fermon from the Ipswich Board of Health was not present.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR relative to the provisions of 105 CMR 410.480, based on the fact that only three units of the four-unit building have access to the front main entry door. Testimony revealed that the fourth unit has separate exits from the other three units. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR relative to the provisions of 105 CMR 410.480, is hereby granted and so ordered² on this date: December 4, 2008.

Douglas Semple
Douglas Semple

Jacob Nunnemacher

Brian Gale

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.